

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAMMY KITZMILLER; BRYAN and  
CHRISTY REHM; DEBORAH FENIMORE.  
and JOEL LIEB; STEVEN STOUGH;  
BETH EVELAND; CYNTHIA SNEATH;  
JULIE SMITH; and ARALENE  
("BARRIE") D. and FREDERICK B.  
CALLAHAN,

Plaintiffs

vs.

Civil Action No.  
04-CV-2688

DOVER AREA SCHOOL DISTRICT;  
DOVER AREA SCHOOL DISTRICT  
BOARD OF DIRECTORS,  
Defendants

Deposition of : TAMMY KITZMILLER

Taken by : Defendants

Date : January 4, 2005, 10:07 a.m.

Place : 200 One Keystone Plaza  
Harrisburg, Pennsylvania

Before : Debra L. Heary, Notary Public  
Registered Professional Reporter

## APPEARANCES

PEPPER HAMILTON, LLP  
By: ERIC ROTHSCHILD, ESQ.  
THOMAS B. SCHMIDT, III, ESQ.

For - Plaintiffs

THOMAS MORE LAW CENTER  
By: PATRICK T. GILLEN, ESQ.  
RICHARD THOMPSON, ESQ.

For - Defendants

## ALSO PRESENT

Paula Knudsen, Esq., PA ACLU

1       your understanding that Of Pandas and People is  
2       going to be in the classroom?

3       A.     Originally, yes. The latest I've heard it will  
4       be in the library.

5       Q.     Okay. If the book is in the library, do you  
6       believe you're harmed by the book being in the  
7       library?

8                    MR. ROTHSCHILD: I object to the form.

9       A.     I don't feel it should be until the school at  
10      all.

11      BY MR. GILLEN:

12      Q.     Okay. So in order-- What do you want in that  
13      regard then? Do you want the book taken out of  
14      the library?

15      A.     I feel the whole lawsuit kind of speaks for  
16      itself about how I feel.

17      Q.     Okay. I understand, but it doesn't. I can ask  
18      you questions. I'm just asking you, I mean,  
19      with respect to -- we're talking about the text  
20      Of Pandas and People.

21                  And I'm representing to you that the book  
22      is going to be placed in the library. That's  
23      the action of the school district. If the book  
24      is in the library, do you believe that you are  
25      harmed?

1 MR. ROTHSCHILD: I object to the form,  
2 incomplete foundation.

3 A. I thought I've already answered that question.

4 BY MR. GILLEN:

5 Q. I don't think that you have. Please answer the  
6 question that I've asked.

7 A. Well, I feel I have. I don't feel it should be  
8 anywhere in the school at all.

9 Q. Okay. Are you aware of any other books that  
10 are in the school library?

11 MR. ROTHSCHILD: Any?

12 A. Any? Yes, several.

13 BY MR. GILLEN:

14 Q. Which books, just generally what books do you  
15 know of?

16 A. My daughters bring home many books.

17 Q. Do you have any-- Do you have any sense for  
18 the books that are in the library relating to  
19 evolution, creationism, intelligent design?

20 A. Not to my knowledge, no.

21 Q. Do you think all of those books should be out?

22 A. No.

23 Q. Why not?

24 MR. ROTHSCHILD: She doesn't know what  
25 they are. I mean--